

**REMARKS:**

In the outstanding Office Action, the Examiner objected to 2-12, 15-22 and 29, allowed claim 31 and rejected claims 1, 13, 14, 26-28, 30 and 32. Claims 23-25, 32 and 33 are amended. No new matter is presented. Thus, claims 1-33 are pending and under consideration. The rejections are traversed below.

**ALLOWED AND ALLOWABLE SUBJECT MATTER:**

In the outstanding Office Action, the Examiner objected to claims 2-12, 15-22 and 29 and allowed claim 31.

**REJECTION UNDER 35 U.S.C. § 112 ¶2:**

Claims 23-25 and 33 were being rejected under 35 U.S.C. § 112 ¶2. Claims 23-25 and 33 are amended herein.

Therefore, withdrawal of the rejection is respectfully requested.

**REJECTIONS UNDER 35 U.S.C. § 102(b):**

Claims 1, 14, 27, 28, 30 and 32 were rejected as being anticipated by JP 05-292291 (Fujino), and claims 1, 14, 27, 28 and 30 were also rejected as being anticipated by JP 03-278641 (Fukuda).

Fujino compares the degree of urgency indicated in user information being transmitted with the degree of urgency set at a present communication (see, Abstract). That is, the determination of whether to interrupt or release an on-going communication is based on comparison of bits within the user information of the user requesting transmission with bits in communication information at present to determine urgency of an incoming call (see also, FIGS. 2 and 10).

In Fukuda, a line control section (111) of a fax store and forward equipment (11) establishes an interrupt when a sender designates a priority mode so that all other facsimile information is stored in a storage section (112) and facsimile information with a high priority is received prior to the other facsimile information (see, Abstract and FIG. 1). That is, Fukuda stores non-priority facsimile information to an intermediary facsimile equipment so that facsimile information designated as priority by a sender is transmitted first.

Independent claims 1 and 14 recite that the present invention determines “whether a second party previously determined to be capable of urgently receiving the data” is demanding transmission “based on a phone number of the second party.” The present invention then interrupts an on-going communication “upon determining that the urgent transmission of data is required from the second party during communication with the first party” (see, claims 1 and 14).

Independent claim 32 as amended recites, “checking whether an urgent transmission of data is required from a second party during communication with a first party based on a phone number of the second party.”

It is submitted that the independent claims 1, 14 and 32 are patentable over the cited references.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over the cited references. The dependent claims are also independently patentable. For example, as recited in claim 27, “the determination of whether an urgent transmission of data is demanded by the predetermined second party is performed while data is received from and transmitted to the first party.” The cited references do not teach or suggest these features of claim 27.

Therefore, withdrawal of the rejection is respectfully requested.

**REJECTION UNDER 35 U.S.C. § 103(a):**

Claims 13 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino and Fukuda.

Claims 13 and 26 recite that the present invention interrupts an on-going communication including when “communication with the first party is a telephone call.”

Fujino and Fukuda, alone or in combination, do not teach or suggest interrupting “a telephone call” communication with the first party when urgent transmission of data is required from a second party, as recited in claims 13 and 26.

Therefore, withdrawal of the rejection is respectfully requested.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is

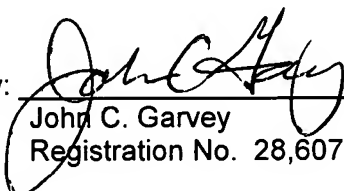
requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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